

1 HOUSE BILL NO. 56

2 INTRODUCED BY B. WARDEN

3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

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5 A BILL FOR AN ACT ENTITLED: "AN ACT MAKING PERMANENT THE FISHING ACCESS ENHANCEMENT
6 PROGRAM, WHICH PROVIDES INCENTIVES TO LANDOWNERS WHO GRANT ACCESS TO OR ACROSS
7 PRIVATE LAND FOR PUBLIC FISHING, BY REPEALING THE PROGRAM TERMINATION DATE; PROVIDING
8 FOR BIENNIAL REPORTS REGARDING PROGRAM SUCCESS AND RECOMMENDATIONS BY THE
9 REVIEW COMMITTEE; AMENDING SECTION 87-1-269, MCA; AND REPEALING SECTION 6, CHAPTER 196,
10 LAWS OF 2001."

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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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14 **Section 1.** Section 87-1-269, MCA, is amended to read:
15 **"87-1-269. (Temporary) Report required -- review committee.** (1) The governor shall appoint a
16 committee of persons interested in issues related to hunters, anglers, landowners, and outfitters, including but
17 not limited to the hunting access enhancement program, the fishing access enhancement program,
18 landowner-hunter relations, outfitting industry issues, and other issues related to private lands and public wildlife.
19 The committee must have broad representation of landowners, outfitters, and sportspersons. The department
20 may provide administrative assistance as necessary to assist the review committee.

21 (2) (a) The review committee shall report to the governor and to ~~the 58th~~ each legislature regarding the
22 success of various elements of the hunting access enhancement program, including a report of annual
23 landowner participation, the number of acres annually enrolled in the program, hunter harvest success on
24 enrolled lands, the number of qualified applicants who were denied enrollment because of a shortfall in funding,
25 and an accounting of program expenditures, and make suggestions for funding, modification, or improvement
26 needed to achieve the objectives of the program.

27 (b) The review committee shall report to the governor and to ~~the 58th~~ each legislature regarding the
28 success of the fishing access enhancement program and make suggestions for funding, modification, or
29 improvement needed to achieve the objectives of the program.

30 (3) The director may appoint additional advisory committees that are considered necessary to assist

1 in the implementation of the hunting access enhancement program and the fishing access enhancement
2 program and to advise the commission regarding the development of rules implementing the hunting access
3 enhancement program and the fishing access enhancement program. (~~Terminates March 1, 2006--sec. 6, Ch.
4 544, L. 1999; sec. 6, Ch. 196, L. 2001.~~)"

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6 **NEW SECTION. Section 2. Repealer.** Section 6, Chapter 196, Laws of 2001, is repealed.

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8 **COORDINATION SECTION. Section 3. Coordination instruction.** If __Bill No.__ [LC 233] is not
9 passed and approved, then:

10 (1) [section 1 of this act] is void;

11 (2) 87-1-269 is repealed; and

12 (3) 37-47-201 is amended to read:

13 **"37-47-201. Powers and duties of board relating to outfitters, guides, and professional guides.**

14 The board shall:

15 (1) prepare and publish an information pamphlet that contains the names and addresses of all licensed
16 outfitters. This pamphlet must be available for free distribution as early as possible during each calendar year
17 but not later than the second Friday in March. The pamphlet must contain the names and addresses of only
18 those outfitters who have a valid license for the current license year.

19 (2) cooperate with the federal government in matters of mutual concern regarding the business of
20 outfitting and guiding in Montana;

21 (3) enforce the provisions of this chapter and rules adopted pursuant to this chapter;

22 (4) establish outfitter standards, guide standards, and professional guide standards;

23 (5) adopt:

24 (a) rules of procedure;

25 (b) rules to administer and enforce this chapter, including rules prescribing all requisite qualifications
26 for licensure as an outfitter, guide, or professional guide. Qualifications for outfitters must include training,
27 testing, experience in activities similar to the service to be provided, knowledge of rules of governmental bodies
28 pertaining to outfitting and condition and type of gear and equipment, and the filing of an operations plan.

29 (c) any reasonable rules, not in conflict with this chapter, necessary for safeguarding the public health,
30 safety, and welfare, including evidence of qualification and licensure under this chapter for any person practicing

1 or offering to practice as an outfitter, guide, or professional guide;

2 (d) rules specifying standards for review and approval of proposed new operations plans involving
3 hunting use or the proposed expansion of net client hunter use, as set forth in 37-47-316 and 37-47-317, under
4 an outfitter's existing operations plan. Approval is not required when part or all of an existing operations plan is
5 transferred from one licensed outfitter to another licensed outfitter. Rules adopted pursuant to this section must
6 provide for solicitation and consideration of comments from hunters and sportspersons in the area to be affected
7 by the proposal who do not make use of outfitter services.

8 (e) rules establishing outfitter reporting requirements. The reports must be filed annually and report
9 actual leased acreage actively used by clients during that year and actual leased acres unused by clients during
10 that year, plus any other information designated by the board and developed in collaboration with the department
11 of fish, wildlife, and parks ~~or the review committee established in 87-1-269 that is considered necessary to~~
12 ~~evaluate the effectiveness of the hunter management and hunting access management programs.~~

13 (6) hold hearings and proceedings to suspend or revoke licenses of outfitters, guides, and professional
14 guides for due cause;

15 (7) maintain records of actual clients served by all Montana outfitters that fulfill the requirements of
16 subsection (5)(e)."

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